

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MODESTO RODRIGUEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

21-CV-8565 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As discussed at today's hearing:

- Plaintiff's first motion in limine is granted as unopposed. But defendants can elicit that plaintiff was a felony sex offender.
- Plaintiff's second motion in limine (regarding the other charges) is granted.
- Plaintiff's third motion in limine (regarding malice) is denied.
- Defendants' first motion in limine (regarding the other charges) is denied.
- Defendants' second motion in limine (writ decision) is granted in part. The parties will work out a stipulation as to what facts concerning the writ decision may be admitted consistent with the Court's disposition of this motion.
- Plaintiff's objection to Exhibit A is sustained, although Charge 3 may be pulled out and presented separately.
- Plaintiff's objection to Exhibits B-C, and S, are overruled, subject to a showing of relevance by Defendants.
- Plaintiff's objection to Exhibit D is sustained.


By Monday, February 5, 2024, at 5 PM, the parties should submit the amended JPTO and joint exhibits, as well as a stipulation regarding the language of the writ, or any disputes related to such a stipulation.

By Tuesday, February 6, 2024, at 5PM, defendants should also submit a letter addressing any authority indicating that evidence of charges other than the ones at issue in the proceeding can be raised to defeat the element of lack of probable cause in a § 1983 proceeding. Defendants' submission should also address whether evidence of the other charges is relevant to malice or damages with respect to the prosecution of the cell-phone charge, how, and any authorities indicating that other charges other than the one pursued are relevant to the malice or damages element of a malicious prosecution claim.

By Wednesday, February 6, 2024, at 5 PM, plaintiff may submit a letter responding to defendants' submission.

SO ORDERED.

Dated: February 1, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge